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**MOONLIGHT BASIN RANCH  
2007 AMENDED OVERALL DEVELOPMENT PLAN APPROVAL  
BOARD OF MADISON COUNTY COMMISSIONERS**

At a regular meeting of the Board of Madison County Commissioners held on November 27, 2007, the Board of Commissioners reviewed the Amended Overall Development Plan and the Madison County Planning Board's Findings of Fact for approval of the Amended Overall Development Plan for Moonlight Basin Ranch.

**Landowner: Moonlight Basin Ranch  
P.O. Box 1369  
Ennis, MT 59729**

**BACKGROUND**

In 1994, Madison County accepted a Master Plan for the 25,000-acre Moonlight Basin Ranch (Moonlight Basin) in the Jack Creek drainage. Conservation of wildlife habitat was a key feature of the plan, along with plans for a ski resort.

In 2001 Madison County approved an Overall Development Plan Update (ODP) for only Section 24, Township 6 South, Range 2 East, where the existing Diamond Hitch, Saddle Ridge, and Cowboy Heaven developments are located. All of these developments are associated with the Moonlight Basin ski resort.

Moonlight Basin has sold 17,000 acres<sup>1</sup> and now owns or manages the remaining 8,000 acres. The land lies in the upper Jack Creek drainage, just west of the Big Sky Mountain Village and in between two units of the Lee Metcalf Wilderness Area.

In 2006 Madison County approved a further updated ODP with a number of conditions (ODP approval attached). The approval allowed "approximately 1,260 fee ownership units" to be built predominantly in pods on the 8,000 acres. The ODP included different land uses such as an 18-hole golf course and different types of residential and commercial development. The ODP lacked some important details including proper definitions for fee ownership unit, not differentiating between residential and commercial units and not differentiating between types of commercial units. This led to uncertainty for Moonlight Basin and Madison County.

<sup>1</sup> 13,700 acres are in conservation easement, 3,300 acres are not.

Based on previous submittals and staff reports, the major issues cited during the 2006 ODP review were fire protection, cultural and archeological resources, vehicular traffic, wildlife impacts, wetlands, geotechnical constraints, avalanche risk, protecting scenic views, workforce housing and the potential for over use of nearby Lee Metcalf Wilderness resources. These concerns were addressed as conditions in the May 1, 2006 conditional ODP approval.

Since that time, Moonlight Basin has taken a number of steps to address the cited concerns and conditions of approval (discussed below). Moonlight Basin has also undertaken a more comprehensive economic and land planning effort intended to determine the optimal mixture and types of commercial, recreational and residential development necessary to sustainably support a four-season resort. This effort has resulted in Moonlight Basin determining that additional development will be necessary to support resort operations in the long run.

### **Current Proposal**

The current proposal contains a number of modifications from the existing, approved 2006 ODP including the following:

- 1,651 proposed residential units instead of 1,290, an increase of 390 residential units<sup>2</sup>.
- A revised layout that generally concentrates development in the eastern and western areas and removes the northwestern most development pod as well as eight pods from the central portion of the property;
- Definitions of residential and commercial development;
- A detailed breakdown of numbers, types and locations of residential development as well as approximate square footages for commercial development, employee housing, recreational amenities and support services<sup>3</sup>;
- More than 90,000 ft<sup>2</sup> of workforce housing (50+ units); and
- A development timetable or phasing plan.

The proposed definitions of residential and commercial development are as follows:

### **Residential Unit**

- a detached house, semi-detached house, or condominium unit;
- a suite or room in a hotel, motel, inn, boarding house or a lodging house or that part thereof that;
- is occupied by an individual as a place of residence or lodging;
- is leased as a place of residence or lodging for individuals;
- is vacant, but was last occupied or supplied as a place of residence or lodging for individuals; or
- has never been used or occupied for any purpose, but is intended to be used as a place of residence or lodging for individuals.

<sup>2</sup> Of the 1,651 unit total, 405 are already approved as part of a subdivision or large tract of land exempt from subdivision review. This leaves 1,246 residential units that could be permitted by Madison County through the subdivision review process.

<sup>3</sup> The application states the distribution of units and commercial real estate is tentative and will be refined as each planning area goes through the subdivision review process.

**Commercial Real Estate**

Real estate used in the operation of a business. Commercial real estate can be leased or owned and may include a wide variety of property types such as office buildings, retail space, employee housing and industrial facilities.

**FINDINGS OF FACT**

The Amended Overall Development Plan for Moonlight Basin Ranch having come before the Board of Madison County Commissioners for consideration at a regular meeting, and the responses of local agencies and utilities and the recommendations of the Madison County Planning Board, and from the foregoing in conformity with the Montana Subdivision Land Platting Act, the Madison County Subdivision Regulations and Comprehensive Plan 1999 Update, the Board of Commissioners makes the following specific Findings of Fact:

**1. Effect on Agriculture**

The property was logged by the previous owner but is not in agricultural or timber production. In the past Madison Valley ranchers have experienced problems in the wintertime due to increasing numbers of elk moving down from higher elevations to find food. With attractants like a golf course and lawns, it is possible, according to Montana Department of Fish, Wildlife and Parks (FWP) wildlife biologists, this proposal will encourage the wintertime elk problems in the Madison Valley to continue. In order to address this issue, Moonlight Basin allows limited hunting on the property. In the current season, 7 archers and 12 cow rifle hunters were allowed to hunt the land. It does not appear the proposed additional units and land uses will have an impact on the agricultural resources of Madison County.

**2. Effect on Agricultural Water User Facilities**

Moonlight Basin is not part of an irrigation district and no irrigation facilities are located on or in the vicinity of the project. The developer has submitted a water use permit application to the Montana Department of Natural Resources and Conservation (DNRC) and agricultural water users have been notified. It is beyond the scope of this review to evaluate whether the use of ground and/or surface water to support the proposed increased development will impact downstream irrigators. DNRC water rights permit review is based in part upon a finding that the new use will not negatively affect downstream water users.

**3. Effect on Local Services**

One of the primary issues identified during the 2006 ODP review was fire protection. Only a small portion of the property, Section 24, was located within the Gallatin Canyon Consolidated Rural Fire District (GCCRFD) at that time. Moonlight Basin has met with and submitted a draft annexation agreement for the remainder of the property to the GCCRFD with the goal of annexing in 2007 or 2008. Details of the annexation agreement are provided below.

As a part of the 2006 ODP review, upon the recommendation of GCCRFD Chief Jason Revisky, Moonlight Basin hired fire protection expert Douglas P. Forsman of Firescope

Mid-America. Mr. Forsman has provided a letter evaluating the impacts the proposed 390 additional living units would create on public safety resources. In his letter Mr. Forsman states, "The increased demand on public safety services and functions caused by the additional 390 units is not, in itself, a significant factor for any of the current service providers or facilities. Further, the increase in units does not materially affect the impact of the entire Moonlight Basin Ranch project upon the Big Sky Community's service providers. That being said, the entire workload of growth in the area as a result of this project and several others should provide a continued urgency for short and long term planning for the emergency services. Moonlight Basin Ranch is and should be an integral part of that process."

Currently law enforcement at Moonlight Basin is provided through an interlocal agreement with Gallatin County, which provides five officers in the Big Sky area (two of whom are paid for by Madison County). According to Madison County Sheriff Dave Schenk, Madison County is satisfied with this arrangement but hopes to have a presence in Big Sky in the future. Sheriff Schenk stated he and the County Commissioners have been discussing expanding their capacity in the Big Sky area with Moonlight Basin personnel and are moving toward developing and implementing a plan for a greater law enforcement presence as more development occurs.

The ODP contains an updated *Traffic Impact Study* (TIS) by Marvin & Associates which addresses the traffic impacts associated with the addition of 390 dwelling units. The updated TIS essentially states that the additional traffic generated by Moonlight Basin, in combination with other Big Sky area developments, will require road improvements.

The author states "Moonlight Basin should be assessed a proportionate share of future system capacity measures involved in roadway widening and traffic control devices. Since there are other developments in the Big Sky area that will also be impacting system capacity, it is recommended that a more comprehensive study be completed to address the cumulative impacts and appropriate mitigation measures of all long term development plans. Proportionate shares on improvement costs could be documented in a combined study that utilizes a consistent trip generation and a rational traffic assignment model."

While this approach makes sense, it is not clear exactly how this is to take place. A statement attached to the 2006 ODP approval says "Madison and Gallatin Counties should take the lead in getting the major Big Sky developers to work with MDT on a schedule and financing plan for MT 64 improvements. These improvements should occur in a timely manner. At some point, it may become necessary for Madison County, in response to public safety concerns, to deny subdivision applications in Big Sky until such improvements have been made."

Moonlight Basin has taken steps to mitigate impacts to public road capacity and reduce vehicle trips. According to Kevin Germain of Moonlight Basin, Moonlight Basin runs a 30-person bus to and from 4-Corners daily, operates two 8-person vans to and from Ennis daily and partners with Big Sky Resort to run a 47-seat bus that travels to and from Bozeman seven days per week in the winter and provides free transportation to riders. Moonlight Basin also has implemented a strong employee and contractor carpooling policy, which provides economic incentive for shared vehicle trips.

The amended ODP also addresses employee and affordable housing to some degree, which should help to limit congestion on existing road infrastructure.

The proposed housing includes:

- 90,000 ft<sup>2</sup> in the Strawberry Ridge (entry way area) that would include at least 50 housing units;
- Four to eight employee apartments in the Golf PUD area;
- Housing for four GCCRFD members/employees in the future substation; and
- One single-family residence for a GCCRFD employee.

According to Kevin Germain, there are a number of other opportunities for employee housing within the Moonlight Basin area and development of that housing will depend in large part on demand.

School district coffers would increase with the additional property tax base and would not be likely to see a major increase as a result of the 390 additional residential units due to the seasonal and recreational nature of most residents and visitors. Employee housing may contribute to school enrollments, but this is best assessed at the preliminary plat stage.

The overall tax base of Madison County and the local fire district -- assuming annexation of the property -- would expand, providing additional revenue for certain public service costs. Overall, if the measures to address the anticipated impacts are taken, this amended ODP should not negatively impact local services. However, more fine tuned review would take place at the preliminary plat stage.

#### **4. Effect on the Natural Environment**

With the exception of the 160-acre exempt parcels, all of the development pods would be served by the Treeline Springs water and sewer systems, which are privately owned utilities that are regulated by the Montana Department of Environmental Quality (DEQ). The amended ODP application contains a *Water Availability Assessment Report* by Stahly Engineering and Associates that indicates there is sufficient, accessible water to serve the development.

The application also contains preliminary water and sewer system drawings indicating the general locations of water and sewer lines, lift stations and other infrastructure. A portion of the wastewater is proposed to be used to irrigate the golf course. DEQ maintains strict permitting and monitoring requirements for public water and sewer systems and would have the final authority over the water and sewer systems.

The property makes up a portion of the headwaters of the Jack Creek drainage and contains a number of tributaries and ponds. The developer participates in a Jack Creek water quality monitoring program, which collects baseline data and provides educational opportunities for area residents and local and MSU students. Based on on-site observation, Moonlight Basin has taken significant steps to manage stormwater runoff in a responsible manner thus far. Stormwater management and erosion control methods

currently employed at Moonlight Basin include proper grading of cut and fill slopes, re-seeding, proper culvert sizing, sediment traps, water bars and other methods.

Some of the previously approved development pods located in the central portion of the property near Moonlight Creek/Jack Creek are now proposed to be removed, which could benefit surface water quality. DEQ has authority over stormwater runoff and requires permits for general ground disturbance as well as for lot development. 310 permits for stream crossings and 404 permits for wetland disturbance are also required. A number of wetlands are located on the property and they have been delineated. Some of the development pods contain wetlands and some roads cross or abut wetlands. So long as stormwater and erosion are effectively managed and the proper permits are obtained and their requirements adhered to, the additional 390 units should have little impact on surface water quality.

All internal roads are intended to be paved, which will serve to limit air quality impacts. The previously mentioned employee carpooling policy and bus service will also aid in mitigating impacts to air quality.

Noxious weeds are also a concern. Moonlight Basin's efforts to reseed disturbed soils and the past selective use of herbicides have shown a willingness to address this issue.

Overall, Moonlight Basin appears to have addressed environmental issues in a proactive and responsible manner. If these efforts continue and are expanded upon, this project should have a limited impact on the natural environment.

##### **5. Effect on Wildlife and Wildlife Habitat**

As stated in the background information above, the originally purchased property consisted of 25,000 acres. 17,000 acres were sold, with 13,700 of those being held for conservation. During the 2006 ODP review, FWP wildlife biologists expressed concern that the proposed development, particularly in association with the golf course, would have negative impacts upon the most sensitive species utilizing the area – wolverine, lynx, grizzly bears, and mountain goats. They also expressed concern about the likelihood of increased human/animal conflicts, especially given the notion that the golf course and lawns are likely to serve as wildlife attractants and deer and elk may become habituated to humans. Further, they expressed concern with the ability of wildlife to move through the property in a north-south direction as it sets between two units of the Lee Metcalf Wilderness Area.

According to Kevin Germain, after undertaking a recent economic analysis and realizing additional residential units would be necessary to support the project over time, Moonlight Basin accepted that a give and take would be necessary. By removing the central development pods Moonlight Basin representatives felt they would be increasing the permeability of the project by significantly widening the central wildlife corridor.

In order to understand the potential impacts of the reconfiguration and additional 390 residential units on wildlife and wildlife habitat, Moonlight Basin asked Wildlife Biologist Tom Olenicki to review the proposal. To a large degree, Mr. Olenicki found the changes to be favorable. In his June 21, 2007 evaluation, Mr. Olenicki states, "The proposed

changes in locations of development pods by Moonlight Basin Ranch will reduce direct loss of wildlife habitat, decrease the extent of human disturbance, and increase the potential to maintain connectivity. The increase in overnight accommodations may increase the number of people visiting the area and thus increases the potential for wildlife conflicts and disruption of wildlife activities. Overall, I feel any increase in number of people to the area is offset by advantages to changes in locations of development pods and the revised plan reduces the impacts to wildlife."

The one concern stated by Mr. Olenicki is to the northwest of the golf course area, where a development pod has been removed from the current plan. He states, "Removal of development from the northwest side of the golf course and concentration of it to the southwest side increases the likelihood that wildlife may move onto the golf course from the Jack Creek corridor." This may be balanced to some degree by the additional habitat that is maintained by removing development from this location although that is not explicitly stated.

Moonlight Basin is currently taking a number of steps to limit the potential for human/wildlife conflict and to mitigate impacts to wildlife and wildlife habitat. Covenants currently in place include the requirement for bear proof garbage containment, a prohibition against fencing and the requirement that domestic pets be under the control of their owners at all times. Moonlight Basin employs a Wildlife Conservation Officer who provides educational information to employees, residents and contractors, monitors covenant compliance, coordinates with FWP and coordinates hunts on the property.

The developer is partnering with the Wildlife Conservation Society to develop a wolverine monitoring study in the area and is also working with the Interagency Grizzly Bear Study Team to develop a plan to track sensitive species as they move through and use the site. Moonlight Basin has also produced a Wildlife Safety Guide intended to inform residents, employees, visitors and contractors of actions to take (and not take) in the vicinity of wildlife and encourages employees and visitors to contribute to the wildlife observation logs as a way to track and monitor wildlife activities.

In conclusion, a respected wildlife biologist has stated that while the additional residents and visitors may increase the potential for wildlife conflicts and disruption of wildlife activities, this increase should be offset by advantages related to changing the locations of development pods. He also found the revised plan would be likely to reduce the impacts to wildlife as a whole. Additionally, Moonlight Basin's past and current efforts to address to mitigate impacts to wildlife are noteworthy. Based on this information, it appears the 2007 amended ODP would have a limited impact on wildlife and wildlife habitat.

#### **6. Effect on Public Health and Safety**

Moonlight Basin has met with and submitted a draft agreement to annex the remainder of the property into the GCCRFD. Some of the provisions of the annexation agreement include:

- All future inhabitable structures will be equipped with automatic fire sprinklers systems in accordance with national Fire Protection Association standards;
- Moonlight Basin will properly construct and maintain roadways so that all structures may be accessed by fire apparatus;

- Moonlight Basin will install fire protection water supplies in accordance with Uniform Fire Code specifications;
- Moonlight Basin will establish and maintain the protective covenants that include defensible space, construction materials, access and other standards that have been approved by the GCCRFD;
- Moonlight Basin will build a substation in the Madison Village area that includes living space for up to four staff, and
- Moonlight Basin will build and deed to the GCCRFD a single family residence for the purpose of providing affordable housing for a management level employee of the GCCRFD.

In exchange, the GCCRFD agrees to annex the property, provide fire protection, emergency medical, technical rescue and hazardous materials service and make every effort to maintain a Class Five Fire Defense Classification.

The amended ODP application also includes a *Fire Management Operations Guide* by Montana Wildfire that evaluates historical and current conditions on the property and in the area and makes recommendations for reducing risks to life and property related to wildland fire. The Guide recommends fuels reduction as a primary way to reduce risk. Based on this information, Moonlight Basin undertook an 18-acre fuels reduction effort in 2007 along Madison Road, the main east-west thoroughfare. Moonlight Basin is also in the process of seeking grant funding assistance to partner on two other fuels reduction projects.

Additionally, Moonlight Basin has obtained a Class 6 fire engine with a 1,000 gallon portable tank and a 500 gallon on-truck tank. In 2007, 10 employees were trained to use the engine and also received "red card" training, which is a prerequisite qualification for federal and state wildland fire fighters.

In terms of comparing the fire safety risk of the 2007 ODP vs. the 2006 ODP, one could surmise that more people means the potential exists for more ignitions and more traffic congestion if an evacuation were necessary, although annexation and the required fire protection measures provide a degree of comfort. The road system should provide each development pod with two ways in and out. In the event of an emergency, escape could occur via Jack Creek Road. This road is built to Madison County standards on the 12.5 miles it traverses private property, with the exception of one stretch where the grade is 11% (the maximum allowed grade for subdivisions is 10%). The bottom 3.5 miles of Jack Creek Road is maintained by Madison County but is not built to standard and the County Commissioners are exploring the feasibility of upgrading it to provide a higher level of safety. Additionally, all of the gates across Jack Creek road are siren activated and the GCCRFD chief has a master key.

A *Geotechnical Reconnaissance Report* by NTL Engineering & Geoscience, Inc was submitted as a component of the amended ODP application. NTL investigated the surface and subsurface geologic conditions in order to identify surficial landforms and features that might indicate problems or hazards for the proposed development pods. The proposed development pods appear to be generally well located in terms of relative lack of geologic hazards. However, NTL points out that while the report is intended to



assist in conceptual planning, it is not a substitute for site-specific geotechnical investigation. They recommend more detailed investigation and analyses prior to final siting, design and construction of individual structures.

An avalanche risk assessment has been conducted on the property and the associated hazard map shows that all development pods have been placed outside of areas of significant risk.

In summary, so long as fire protection, police protection, access, traffic safety, geotechnical and avalanche concerns are addressed in detail at the preliminary and/or final plat review of each phase as appropriate, this ODP would not appear to negatively impact public health and safety.

#### **7. Effects on Other Resources in the County**

The proposed development would utilize Madison County's natural landscape and scenic beauty to expand the recreational amenities, residential and commercial offerings in the Big Sky area. For some people, their appreciation for the area would be enhanced by new opportunities to access the terrain; for others who don't like seeing buildings on mountainsides, the area's scenic beauty would be further diminished by this project.

Moonlight Basin prohibits mineral extraction on the property via covenants, conditions and restrictions so should not impact these resources in any way.

As a condition of the 2006 ODP approval, Moonlight Basin hired *InteResources Planning, Inc.* to conduct cultural resource inventories at the 2006 ODP development pod locations and connecting roadways. According to the summary letter, "No cultural resource sites were encountered during the field work." The letter indicates that if development activities occur outside of the pod locations, additional cultural resource work should be required. Based on the above, so long as site- or plat-specific cultural resource investigations are made and recommendations adhered to, this project is not expected to impact other resources in Madison County.

#### **8. Effects on the Local Economy**

The proposed amended ODP should provide jobs in construction, tourism, real estate, services and a number of other economic sectors. The project will supply its own water and sewer, roads and road maintenance, build a fire department substation and employee housing and contribute heavily to the property tax base. In general terms it is not anticipated to require a great deal in the way of public expenditures and should have a positive effect on the local economy.

#### **9. Effects on Public Services Provided by Other Entities in the County**

There are no anticipated effects on other public service providers.

#### **10. Legal and Physical Access, Easements**

All development pods are proposed to be served by internal roadways which would be privately maintained but open to public use. The exact locations of all roadways and easements for access and utilities are not yet known. This information would be provided with preliminary plat applications and evaluated through the subdivision review process.

**11. Compliance with the Madison County Subdivision Regulations and the Montana Subdivision and Platting Act**

Moonlight Basin submitted all of the information required in Section II-C.4 of the Madison County Subdivision Regulations and the amended ODP application complies with that section of the regulations. The Montana Subdivision and Platting Act does not expressly require or contemplate ODPs.

**12. Compliance with the Madison County Growth Policy**

An evaluation of compliance with the five guiding principles of the Madison County Growth Policy follows.

**a. Locate new development close to existing services and communities.**

Moonlight Basin is located in the Big Sky area. The developer intends to expand public water, sewer and fire protection resources and include commercial services as part of the overall plan. While this project would not comply with the above guiding principle to the extent that building next to Virginia City or Ennis would, Big Sky is an existing community and this is essentially an expansion of Big Sky.

**b. Protect our river corridors**

The property contains Moonlight Creek, Lone Creek and Wickiup Creek, which empty into Jack Creek, which empties into the Madison River. Moonlight Basin appears to have done a good job of protecting surface water quality to date through stormwater management and erosion control techniques. Continued use of best management practices should be monitored as development progresses.

**c. Preserve our most productive agricultural lands**

The property does not contain and is not located in the vicinity of highly productive agricultural lands.

**d. New development should pay its own way**

Moonlight Basin intends to pay for the costs of extending public water, sewer, roads, trails and fire protection resources to the future residents and visitors. If the fire district annexation agreement is carried out, they will be required to install an adequate water supply for structural fire protection. Already Moonlight Basin has purchased a fire engine and trained personnel in its use. The taxes generated from the additional units are expected to be great and the demand on public safety and school resources are expected to be minimal. So long as Moonlight Basin pays a proportionate share of improvement costs related to external, public roadways, Moonlight Basin should more than comply with this guiding principle.

**e. Respect private property rights.**

This project does not appear to infringe upon the property rights of any other landowner.

**13. Compliance with Montana Survey Requirements**

Because this is an ODP and not a preliminary plat, no surveys are required.

**14. Compliance with the Subdivision Review Procedure**

In accordance with Section II-C of the Madison County Subdivision Regulations, the developer notified all of the required agencies and potentially affected parties (adjacent landowners, lien holders, easement holders and potentially affected water users) of the application via mail in September. The developer also held two informational meetings regarding the proposal, one at Moonlight Basin and one in Ennis. Land Solutions, LLC, the firm hired to aid Madison County in the review of this proposal, sent the subdivider and each adjoining property owner notice of the November 26, 2007 public hearing via mail on November 6, 2007. The Madisonian newspaper published legal notice of the hearing on November 8, 2007. The Madison County Planning Department published documents and maps related to the application on November 19, 2007 and the Madison County Planning Board held a public hearing as required. Finally, the Madison County Board of Commissioners met and made a decision on the proposed ODP amendment at a regularly scheduled public meeting on November 27, 2007. Therefore, all of the review procedure requirements of the Madison County Subdivision Regulations (September 2006) have been met.

**Conclusion**

After considering the application, maps, plans, updated environmental assessment, Planning Board recommendation and supplemental information, the Moonlight Basin 2007 Amended ODP will: (1) be in compliance with all applicable rules and regulations; (2) be in substantial compliance with the Madison County Subdivision Regulations and Growth Policy; and (3) have an acceptable impact on each of the review criteria discussed above.

**APPROVAL CONDITIONS**

Based on all of the above, by a unanimous vote, on November 27, 2007 the Madison County Board of Commissioners approved the 2007 Amended Overall Development Plan for Moonlight Basin Ranch subject to the following conditions:

Upon submittal of each phase of development, Moonlight Basin shall:

1. Show recent and proposed efforts made toward implementing the *Fire Management Operations Guide/Fuels Management Plan*.
2. Provide evidence of annexation of that phase into the GCCRFD or providing a similar level of service and protection.
3. Provide employee and/or affordable housing opportunities. The number of units should be a function of demand as well as need generated by residential and commercial development proposed within each phase. Moonlight Basin shall address this issue in detail along with each preliminary plat application.
4. Jointly participate with other Big Sky area developers in a Madison County led study to address traffic safety issues on US 191 and MT 64.

5. Submit a preliminary phase/site specific geotechnical assessment with each preliminary plat application and a more detailed, site specific evaluation prior to final plat approval.
6. Submit phase/site specific avalanche information with each preliminary plat application.
7. If located outside of the original inventory boundary areas, submit a phase/site specific cultural resource evaluation with each preliminary plat application.
8. Provide phase and land use specific evaluations of anticipated impacts on wildlife and wildlife habitat as well as evidence of current and proposed steps taken to limit impacts to wildlife and wildlife habitat.
9. Provide a phase/site specific proposal to limit or prevent impacts to water quality as well as evidence of recent and current steps taken to protect water quality in the form of a DEQ stormwater management plan.
10. Provide a phase/site specific evaluation of impacts to law enforcement resources and proposed measures intended to mitigate those impacts if appropriate.
11. Submit a phase/site specific wetland evaluation and proposed measures to limit or avoid impacts to wetlands as applicable in the form of a 404 permit application.
12. The developer shall work with the Forest Service and Montana Department of Fish, Wildlife and Parks on trails planning and wilderness use.

#### **Additional Notes**

1. At any subdivision phase, Moonlight Basin may be required to provide all or part of an updated environmental assessment, in accordance with the Madison County Subdivision Regulations, to address impacts that emerge and changing conditions over time.
2. Regarding traffic safety, at some point it may become necessary for Madison County, in response to public safety concerns, to deny subdivision applications in the Big Sky area, including but not limited to Moonlight Basin, until traffic safety improvements have been made.<sup>4</sup>
3. Moonlight Basin is encouraged to further minimize the potential for human/animal conflicts and maximize the opportunity for wildlife connectivity by more heavily clustering its development, removing development pods from high quality habitat and adding density to locations with low quality habitat.

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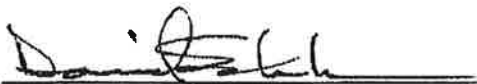
<sup>4</sup> As per the May, 2006 ODP approval statement indicating that such a statement will appear in subdivision reports for the foreseeable future.

4. Based on the nature of an ODP, it is understood that the distribution of units and commercial real estate is tentative and will be refined as more information is gathered and each planning area goes through the subdivision review process.
5. Moonlight Basin is encouraged to solidify the long term conservation of the 160-acre reserve tracts to protect their utility as a wildlife corridor.
6. Moonlight Basin is encouraged to preserve and protect the central wildlife corridor through appropriate mechanisms to protect its utility as a wildlife corridor.
7. Moonlight Basin is encouraged to share the costs of repair and upgrade of the Madison County portion of Jack Creek Road.
8. The Amended 2007 ODP is for a maximum cap of 1,651 residential units using the residential unit and commercial real estate definitions proposed by Moonlight Basin.

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In accordance with Montana State law, the subdivider may appeal Madison County's decision on this overall development plan application.

The Board of Madison County Commissioners has granted approval for the 2007 Amended Overall Development Plan for Moonlight Basin Ranch.

Dated this 27th day of November, 2007.



David Schulz, Chairman  
Board of Commissioners  
Madison County

c: Dave DeGrandpre, Land Solutions, LLC  
Charity Fechter, Planning Director  
Peggy Kaatz, Recorder  
Ralph Hamler, Sanitarian  
Chris Mumme, Emergency Management

